

General Assembly

Amendment

January Session, 2009

LCO No. 5517

HB0659205517HR0

Offered by:

REP. GIULIANO, 23rd Dist.

To: Subst. House Bill No. **6592**

File No. 316

Cal. No. 254

"AN ACT AMENDING THE CHARTER OF THE LORD'S POINT ASSOCIATION."

- 1 After the last section, add the following and renumber sections and
- 2 internal references accordingly:
- 3 "Sec. 501. Section 1 of number 467 of the special acts of 1943, as
- 4 amended by section 1 of number 338 of the special acts of 1945, is
- 5 amended to read as follows (*Effective from passage*):
- 6 The owners of record of land within the limits specified in section
- 7 [two of this act] 2 of number 467 of the special acts of 1943, as amended
- 8 by this act, in the locality known as Cornfield Point in the town of Old
- 9 Saybrook, shall be, while they continue to be owners of such land, a
- 10 body politic and corporate by the name of The Cornfield Point
- 11 Association, and by that name they and their successors shall be a
- 12 corporation in law, capable of suing and being sued, and pleading and
- 13 be impleaded in all courts, and shall be vested with the powers
- 14 hereinafter specified. Each member of the association, of the age of

15 [twenty-one] eighteen years or over, not otherwise prohibited by law 16 from voting, so long as he shall continue to own real estate in said 17 territory, shall be entitled to vote at any meeting of said association 18 and shall be eligible to hold any office therein. [Husbands and wives 19 of Spouses of and parties to civil unions with said owners who are not 20 also owners shall be members of said association but shall not be 21 empowered to vote at any meeting of said association except in the 22 absence of said owners. All owners of any interest in any particular lot 23 or parcel of real estate shall be considered as one owner for the 24 purpose of voting and shall be entitled collectively to cast one 25 undivided vote. The association shall provide for voting by proxy or 26 absentee ballot or for power of attorney in the by-laws of the 27 association.

Sec. 502. Section 2 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

30 The limits of [said association] The Cornfield Point Association shall 31 be that part of the town of Old Saybrook known as Cornfield Point, 32 consisting of all lots or parcels of land as shown on the map of 33 Cornfield Point Beach Club made for James J. Smith Company of Old 34 Saybrook and New York City by Daball and Crandall, dated 35 November, 1922, which map is on file in the office of the town clerk of 36 the town of Old Saybrook. Said territory is bounded as follows: 37 Beginning at a point in the high water line of Long Island Sound at the 38 northwest corner of property formerly owned by F. W. McLean and 39 adjoining Plum Bank, thence in a southerly direction along Long 40 Island Sound to the point of land known as Lot No. 538 on said map; 41 thence in an easterly direction along Long Island Sound to the easterly 42 line of Lot No. 210; thence northerly along the easterly line of said lot 43 to center line of Maple Avenue; thence along center line of Maple 44 [avenue] Avenue in a northwesterly direction to central line of 45 Summerfield [road] Road; thence along central line of Summerfield 46 [road] Road in a northwesterly direction to Plum Bank [creek] Creek; 47 thence in a westerly direction along Plum Bank [creek] Creek to a town

48 ditch; thence continuing in a westerly direction to state highway No.

- 49 154; thence across said highway in a westerly direction to the easterly
- 50 line of property of F. W. McLean; thence northerly along the easterly
- 51 line of F. W. McLean; thence westerly along the northerly line of said
- 52 McLean to the point of beginning.
- Sec. 503. Section 6 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):
- 55 Notice of the time and place of said first meeting shall be signed by 56 three of the persons named in section five and shall be sent by mail to 57 each member of the association at least five days before the time 58 appointed for said meeting. Said board of governors shall be elected by 59 a plurality of the ballots cast at said meeting and the polls for the 60 reception of such ballots shall be open from twelve o'clock noon until four o'clock in the afternoon on such appointed day.] At each annual 61 62 meeting of the Cornfield Point Beach Association, there shall be elected 63 to the board of governors three members to serve three years until 64 their successors are chosen. The board of governors shall be elected by a plurality of the ballots cast at said meeting. Any member of said 65 66 board, who shall cease to have membership in said association within 67 the meaning of this act, shall automatically cease to be a member of 68 said board of governors. The board of governors is authorized to fill all 69 vacancies on said board until the next annual meeting, at which time 70 the members of the association shall elect a member to the board for 71 the unexpired portion of the term.
- Sec. 504. Section 7 of number 467 of the special acts of 1943, as amended by section 1 of special act 74-29 and section 1 of special act 79-80, is amended to read as follows (*Effective from passage*):
- Annual meetings [thereafter] of the members of the Cornfield Point
 Beach Assocoation shall be held on the third Saturday in June. [, except
 that after July 1, 1980, such meetings shall be held during June,] Such
 meeting shall be at such time and place within the limits of [said
 association] the town of Old Saybrook as the board of governors may

80 direct. [Any vacancy occurring in the membership of said board of 81 governors, between annual meetings of the association, shall be filled 82 by a majority of the remaining members of the board until the next 83 annual meeting, at which time the members of the association shall 84 elect as above prescribed a member of the board for the unexpired 85 portion of the term] Notice of the time and place of such meeting, 86 along with the agenda, shall be sent by mail to each member of the Cornfield Point Association at least fifteen business days before the 87 88 time appointed for said meeting.

Sec. 505. Section 8 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

The board of governors of the Cornfield Point Beach Association shall consist of nine members and such board shall elect from its members a president and a vice president. [, and there shall be elected] The members of the association shall elect from the association membership [a] at the annual meeting or the board shall elect, if there is no election by the association, the following: A secretary, a treasurer and [an assistant treasurer] a tax collector for a term of three years. The president shall preside over all meetings of the board and the association and shall be the chief executive of the association. In the absence of the president, the vice president or secretary or treasurer shall preside. The secretary shall sign all warnings, notices, order and by-laws and shall keep a record of all action of said board and of said association. The treasurer shall keep an account of all moneys received and paid out and shall render a report at each annual meeting. [The assistant treasurer An acting treasurer, appointed by the board from the membership, shall have all the powers of the treasurer in the absence of said treasurer. If the acting treasurer is also a board member, the acting treasurer shall retain the powers of a board member. The treasurer or acting treasurer shall [furnish] provide a bond in such amount as the board of governors shall, from time to time, determine, the premium on said bond to be paid by the association.

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Sec. 506. Section 9 of number 467 of the special acts of 1943, as amended by section 2 of special act 79-80, is amended to read as follows (*Effective from passage*):

116 The fiscal year of the association shall be from [June] July first in one 117 year to [May thirty-first] June thirtieth in the succeeding year, both 118 dates inclusive. [except that, beginning on July 1, 1980, the fiscal year 119 of the association shall be from July first in one year to June thirtieth in 120 the succeeding year, both dates inclusive. The association may adopt a 121 fiscal period of from June 1, 1980, to June 30, 1980, both dates inclusive, 122 to facilitate the change in fiscal years, and shall otherwise comply with 123 the provisions of chapter 110 of the general statutes. The association 124 shall meet during June, 1980, for the fiscal year beginning July 1, 1980.]

Sec. 507. Section 11 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

Notice of the annual [and special meetings] meeting of the [association] Cornfield Point Beach Association shall be signed by the president or secretary and [may be] given by mail. [or personally. In case they are given by mail, written] Written notice of the time and place of such meetings shall be sent at least [five] fifteen business days before the time appointed by law, mailed in Connecticut and addressed to each member of said association at his last-known place of abode. Notice of all board meetings shall be posted on the bulletin board in front of the club house.

Sec. 508. Section 10 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

Special meetings of the [association] <u>Cornfield Point Beach</u> <u>Association</u> may be called by the president and shall be called at the written request of any twenty members thereof by the president or secretary, who shall, within [five] <u>fifteen business</u> days after receipt of any such request, cause notice thereof to be given, provided notice of any special meeting shall specify the object for which such meeting is

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Sec. 509. Section 12 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

(a) [Said association] The Cornfield Point Beach Association may purchase, acquire, hold, own, sell or convey such real estate or personal [estate as its purposes may require, and the board of governors may enact by-laws or ordinances for the following purposes: To regulate travel over the highways within the limits of the association, when, in the opinion of said board, the free and unrestricted use of said highways may become dangerous or inconvenient; to appoint and remove police officers to act within the limits of said association, who shall have the powers of constables within said limits for the purposes of making arrests for the violation of any regulation or by-law of said association or any law; to clean and improve ditches and to care for the beaches and water fronts; to keep streets and all public places within the limits of said association quiet and free from noise; to regulate the parking of motor vehicles; to build, repair and improve highways, roads and sidewalks within the limits of said association; to establish building lines; to protect any property from fire, such protection to include the regulation of the number and kind of cottages and structures that may be erected or placed on any building lot within said limits; to regulate the carrying on within the limits of said association of any business that will, in the opinion of said board, be prejudicial to public health or dangerous to, or will constitute an unreasonable annoyance to, those living or owning property in the vicinity thereof, which regulations shall be uniform for each class or kind of buildings or structures, and for each class of business; to regulate peddling as provided for in towns under the general statutes; to restrict the right of entry on the property of said association except upon the highways and to promote the planting of trees and shrubbery and other work leading to the improvement of the appearance of property within the limits of said association. Said association shall have exclusive charge and control of all roads within

the limits as shown on the maps referred to in section two which are not under state or town control. Said board of governors may fix a penalty for each violation of any such by-laws, ordinances or regulations of not more than twenty-five dollars, and the penalties may be recovered in an action brought for the purpose in the name of The Cornfield Point Association before any court having jurisdiction, for the use and benefit of said association. No by-law, ordinance or regulation shall take effect until ten days after its passage nor until it shall be have been posted on a sign post which shall be erected within the territorial limits of the association at a place designated by the board of governors for at least seven days. A certificate of the secretary of said association of the posting of any by-law, ordinance or regulation as provided herein shall be prima facie evidence of such posting. The method by which water is supplied within the limits of the association at the time of the passage of this act is approved, and any action thereunder is confirmed, but the association may, at any time, purchase the plant and equipment operated and used in furnishing the water on land within the territorial limits of the association and may maintain, construct, extend and operate reservoirs, water works and pipe lines and a distribution system for supplying water to said association and the inhabitants thereof property as deemed necessary or desirable by the board of governors and approved by the association membership. The board of governors may, with the approval of the association membership, authorize the association to borrow funds for association purposes or benefit of the association and may mortgage, pledge or grant a security interest in any property or properties of the association, whether newly acquired or already owned, as collateral to secure repayment of any such loan. Any authorization shall be at an annual meeting, except if a natural disaster or emergency requires such approval.

(b) With the approval of the association membership at an annual meeting or special meeting called for such purposes, the board may adopt or amend ordinances, by-laws, rules or regulations as may be reasonably necessary for the maintenance and protection, health,

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safety and welfare of the members of the association, their families, guests and invitees, to prevent public nuisance and to maintain and enhance the value of property within the geographic limits of the association. Such ordinances, by-laws, rules and regulations shall have effect and be enforceable within the geographic limits of the association. The association shall retain and have the right to regulate and control the parking of motor vehicles on the roads within the geographic limits of the association.

(c) The board may establish procedures for the enforcement of such ordinances, rules or regulations, including, but not limited to, penalties for violation thereof, provided any such penalty shall not exceed five hundred dollars. The board may institute legal action in the name of the association at law or in equity to compel compliance with such ordinances, rules or regulations, provided no such action may be commenced against an individual, property or property owner until seven days after written notice of violation has been sent by registered or certified mail to the individual or one or more association members identified as owners of the property in the land records of the town of Old Saybrook.

Sec. 510. Section 13 of number 467 of the special acts of 1943, as amended by number 56 of the special acts of 1949, number 10 of the special acts of 1957, section 2 of special act 74-29, special act 76-36, special act 87-58 and special act 89-35, is amended to read as follows (*Effective from passage*):

The board of governors of the Cornfield Point Beach Association shall prepare and submit to said association at each annual meeting a budget and recommend [an] a tax assessment for the purpose of and based upon said budget, but not to exceed five hundred dollars on each lot of land having a dwelling or cottage thereon located within the limits of the association, and not to exceed one hundred dollars on each vacant lot located within the limits of said association, as the same shall appear of record on October first preceding. Said association shall have the power to decrease said budget and rate of tax assessment recommended by said

244 board of governors, but in no case shall it have the power to increase the 245 budget and rate of tax assessment. The rate of tax assessment 246 recommended by the board of governors shall be final unless decreased 247 by the association at such annual meeting. The [treasurer] tax collector of 248 said association shall collect such tax assessments and a [rate book] tax 249 record shall be [made out] kept and signed by the [clerk] secretary of 250 said association on or before the [second] <u>first</u> Saturday of [July] <u>October</u> 251 in each year and warrants may be issued for the collection of money due 252 on the [rate] annual bills, pursuant to the provisions of section [168f of 253 the 1941 supplement to 12-145 of the general statutes. Such tax 254 assessment shall be a lien upon the property upon which it shall be laid 255 and such lien may be continued by certificate and shall be recorded on 256 the land records of the town of Old Saybrook pursuant to the provisions 257 of the general statutes relating to continuance of tax liens.

Sec. 511. Section 14 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

Written notice of the rate of such <u>tax</u> assessment and of the amount apportioned to each member of the [association] <u>Cornfield Point Beach Association</u> shall be sent by the [treasurer] <u>tax collector</u> within ten days from the laying of such <u>tax</u> assessment, and such <u>tax</u> assessment shall be due and payable on July [twenty-first] <u>first</u> in each year. [and if] <u>If</u> such <u>tax</u> assessment is not paid [when due] <u>on or before July thirty-first</u>, it shall bear interest at the rate [of five-tenths of one percent for each month from the date when so payable] specified in section 12-146.

Sec. 512. Section 17 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

The restrictions, at the time of the passage of [this act] <u>number 467</u> of the special acts of 1943, as amended, applying to property within the limits of the [association] <u>Cornfield Point Beach Association</u> as noted in deeds shall remain in force until changed as hereinafter provided, but in no case shall such restrictions be removed prior to the date provided in such deeds. The existing restrictions contained in deeds

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may be extended in time from the date of expiration thereof, but nothing herein shall be construed as authorizing the board of governors or the association to change restrictions in deeds. [The board of governors shall appoint a member of the association, whose duty it shall be to inspect all plans for proposed buildings, and from time to time inspect such buildings during process of erection to determine their conformance to the restrictions and by-laws. Appeals from the rulings of said building inspector may be taken to the board of governors. Property owners seeking approval of such plans shall pay a fee of one dollar at the time such approval shall be given. Failure to build to plans as approved shall constitute a violation of the by-laws and regulations of said association, and the board of governors may petition any court having jurisdiction to direct the demolition of that part of the structure erected contrary to such approved plans and the erection in lieu thereof of the building conforming to the approved plans.]

Sec. 513. Section 18 of number 467 of the special acts of 1943 is amended to read as follows (*Effective from passage*):

If any provision of the by-laws or regulation or ordinances adopted by The Cornfield Point Association shall conflict with any provision of any lawful ordinance of the town of Old Saybrook, the ordinance of said town shall prevail and supersede the by-law or regulation of said association. Any tax liens levied by said town of Old Saybrook on property within the limits of The Cornfield Point Association shall have priority over any liens for tax assessments levied on the same property by said association.

Sec. 514. (*Effective from passage*) Section 4 of number 467 of the special acts of 1943 and section 5 of the special acts of 1943, as amended by section 2 of number 338 of the special acts of 1945, are repealed."

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